

HOUSE BILL NO. 390
INTRODUCED BY M. REINHART

BLUE and PLUM = Reinhardt amendments

GREEN = Billings Clinic amendment 1

PINK = Billings Clinic amendment 2

3-20-09
HB 390

(56)(57) "State health care facilities plan" means the plan prepared by the department to project the need for health care facilities within Montana and approved by the governor and a statewide health coordinating council appointed by the director of the department.

(57)(58) "Swing bed" means a bed approved pursuant to 42 U.S.C. 1395tt to be used to provide either acute care or extended skilled nursing care to a patient."

NEW SECTION. Section 2. Outpatient birth centers -- licensure -- rulemaking. (1) The department shall license outpatient birth centers using the procedures provided for in Title 50, chapter 5, parts 1 and 2.

(2) Pregnancy-related care provided by an outpatient birth center is limited to ambulatory patients with a normal low-risk pregnancy presenting no complications.

(3) (a) A patient admitted to an outpatient birth center for labor and delivery must be discharged within 24 hours of the birth in accordance with standards as defined by rule.

(b) An outpatient birth center shall consult with or transfer care to a health care facility in the event of complications to the mother or newborn. If care is transferred to another health care facility, the outpatient birth center shall:

(i) before the transfer, provide notice to the health care facility, including the reason for the transfer; and

(ii) during the transfer, provide the medical records related to the patient's condition.

(3) An outpatient birth center must have access to a physician who has admitting privileges at the nearest appropriate hospital and who is available 24 hours a day to admit a birth center patient to the hospital in the event of an emergency.

(4) A patient shall participate in decisions regarding referral to other practitioners or other levels of care in the event of complications.

~~(3)~~ (4) (5) The application for an outpatient birth center must include:

(a) the name and address of the applicant;

(b) the location of the outpatient birth center;

(c) the name of the person or persons who will manage or supervise the outpatient birth center; and

(d) an acknowledgment that the outpatient birth center will consult with or transfer care to a health care facility as required by the health care provider's scope of practice patient's condition in the event of complications to the mother or newborn; and ALTERNATIVELY ... required by the health care provider's scope of practice and as provided in the collaborative agreement provided for in subsection (3)(e);

(e) identification of accreditation by the commission for the accreditation of birth centers, if applicable, for purposes of meeting the licensing rules and standards as provided in 50-5-103.

(e) documentation of professional liability insurance in an amount determined by the department; and

(f) documentation of an insurance policy that indemnifies and holds harmless a physician or hospital that provides emergency obstetrical care or assistance to an outpatient birth center.

(e) a collaborative agreement with a physician with admitting privileges at the nearest hospital by which the physician will take responsibility for the care of a patient in the event of an emergency admission of the patient to the hospital; and

(f) a transfer arrangement with a hospital, by which:

(i) the outpatient birth center provides notice to the hospital of the outpatient birth center's delivery schedule;

(ii) the outpatient birth center provides prior notice to the hospital of a transfer of a patient to the hospital in the event of an emergency; and

(iii) pertinent health care information accompanies the patient upon transfer to the hospital.

(3) (5) (6) The department may adopt rules necessary to implement and administer this section, including but not limited to:

(a) the type of acknowledgment to be required on the application from each type of health care provider licensed to provide prenatal, delivery, postnatal, and newborn care; and

(b) the medical situations in which an outpatient birth center must consult with a health care facility or transfer care of a patient to a health care facility.

(4) (6) (7) Rules adopted under this section must be based on the respective scopes of practice for health care providers licensed to provide prenatal, delivery, postnatal, and newborn care.

(5) The department may require by rule that a birth center be accredited by a nationally recognized birth center accreditation organization.

50-5-103. Rules and standards -- accreditation. (1) The department shall adopt rules and minimum standards for implementation of parts 1 and 2.

(2) Any facility covered by this chapter shall comply with the state and federal requirements relating to construction, equipment, and fire and life safety.

(3) The department shall extend a reasonable time for compliance with rules for parts 1 and 2 upon adoption.

(4) Any hospital located in this state that furnishes written evidence required by the department, including the recommendation for future compliance statements to the department of its accreditation granted by the joint commission on accreditation of health care organizations, is eligible for licensure in the state for the accreditation period and may not be subjected to an inspection by the department for purposes of the licensing process. The department may, in addition to its inspection authority in 50-5-116, inspect any licensed health care facility to answer specific complaints made in writing by any person against the facility when the complaints pertain to licensing requirements. Inspection by the department upon a specific complaint made in writing pertaining to licensing requirements is limited to the specific area or condition of the health care facility to which the complaint pertains.

(5) The department may consider as eligible for licensure during the accreditation period any health care facility located in this state, other than a hospital, that furnishes written evidence, including the recommendation for future compliance statements, of its accreditation by the joint commission on accreditation of healthcare organizations. The department may inspect a health care facility considered eligible for licensure under this section to ensure compliance with state licensure standards.

(6) The department may consider as eligible for licensure during the accreditation period any rehabilitation facility that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the commission on accreditation of rehabilitation facilities. The department may inspect a rehabilitation facility considered eligible for licensure under this section to ensure compliance with state licensure standards.

(7) The department may consider as eligible for licensure during the accreditation period any outpatient center for surgical services that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the accreditation association for ambulatory health care. The department may inspect an outpatient center for surgical services considered eligible for licensure under this section to ensure compliance with state licensure standards.

(8) The department may consider as eligible for licensure during the accreditation period any outpatient birth center that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the commission for the accreditation of birth centers. The department may inspect an outpatient birth center considered eligible for licensure under this section to ensure compliance with state licensure standards.

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(8) (9) The department may consider as eligible for licensure during the accreditation period any behavioral treatment program, chemical dependency treatment program, residential treatment facility, or mental health center that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the council on accreditation. The department may inspect a behavioral treatment program, chemical dependency treatment program, residential treatment facility, or mental health center considered eligible for licensure under this section to ensure compliance with state licensure standards.

NEW SECTION. **Section 3 4. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [section 2].